

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Finance Authority Act is amended by  
5 changing Sections 825-65, 825-70, 825-75, and 830-25 as  
6 follows:

7 (20 ILCS 3501/825-65)

8 Sec. 825-65. Clean Coal, Coal, and Renewable Energy Project  
9 Financing.

10 (a) Findings and declaration of policy.

11 (i) It is hereby found and declared that Illinois has  
12 abundant coal resources and, in some areas of Illinois, the  
13 demand for power exceeds the generating capacity.  
14 Incentives to encourage the construction of coal-fueled  
15 ~~coal-fired~~ electric generating plants in Illinois to  
16 ensure power generating capacity into the future and to  
17 advance clean coal technology and the use of Illinois coal  
18 are in the best interests of all of the citizens of  
19 Illinois.

20 (ii) It is further found and declared that Illinois has  
21 abundant potential and resources to develop renewable  
22 energy resource projects. The development of those  
23 projects will create jobs and investment as well as

1 decrease environmental impacts and promote energy  
2 independence in Illinois. Accordingly, the development of  
3 those projects is in the best interests of all of the  
4 citizens of Illinois.

5 (iii) The Authority is authorized to issue bonds to  
6 help finance Clean Coal, Coal, and Renewable Energy  
7 projects pursuant to this Section.

8 (b) Definitions. ~~Definition.~~

9 (i) "Clean Coal ~~Project and Energy projects~~" means (A)  
10 "clean coal facility", as defined in Section 1-10 of the  
11 Illinois Power Agency Act; (B) "clean coal SNG facility",  
12 as defined in Section 1-10 of the Illinois Power Agency  
13 Act; (C) transmission lines and associated equipment that  
14 transfer electricity from points of supply to points of  
15 delivery for projects described in this subsection (b); (D)  
16 pipelines or other methods to transfer carbon dioxide from  
17 the point of production to the point of storage or  
18 sequestration for projects described in this subsection  
19 (b); or (E) projects to provide carbon abatement technology  
20 for existing generating facilities.

21 (ii) "Coal Project" means new electric generating  
22 facilities or new gasification facilities, as defined in  
23 Section 605-332 of the Department of Commerce and Economic  
24 Opportunity Law of the Civil Administrative Code of  
25 Illinois, which may include mine-mouth power plants,  
26 projects that employ the use of clean coal technology,

1 projects to provide scrubber technology for existing  
2 energy generating plants, or projects to provide electric  
3 transmission facilities or new gasification facilities.

4 (iii) "Renewable Energy Project" means (A) a project  
5 that uses renewable energy resources, as defined in Section  
6 1-10 of the Illinois Power Agency Act; (B) a project that  
7 uses environmentally preferable technologies and practices  
8 that result in improvements to the production of renewable  
9 fuels, including but not limited to, cellulosic  
10 conversion, water and energy conservation, fractionation,  
11 alternative feedstocks, or reduced green house gas  
12 emissions; (C) transmission lines and associated equipment  
13 that transfer electricity from points of supply to points  
14 of delivery for projects described in this subsection (b);  
15 or (D) projects that use technology for the storage of  
16 renewable energy, including, without limitation, the use  
17 of battery or electrochemical storage technology for  
18 mobile or stationary applications.

19 (c) Creation of reserve funds. The Authority may establish  
20 and maintain one or more reserve funds to enhance bonds issued  
21 by the Authority for a Clean Coal Project, a Coal Project, or a  
22 Renewable and Energy Project projects. There may be one or more  
23 accounts in these reserve funds in which there may be  
24 deposited:

25 (1) any proceeds of the bonds issued by the Authority  
26 required to be deposited therein by the terms of any

1 contract between the Authority and its bondholders or any  
2 resolution of the Authority;

3 (2) any other moneys or funds of the Authority that it  
4 may determine to deposit therein from any other source; and

5 (3) any other moneys or funds made available to the  
6 Authority. Subject to the terms of any pledge to the owners  
7 of any bonds, moneys in any reserve fund may be held and  
8 applied to the payment of principal, premium, if any, and  
9 interest of such bonds.

10 (d) Powers and duties. The Authority has the power:

11 (1) To issue bonds in one or more series pursuant to  
12 one or more resolutions of the Authority for any Clean Coal  
13 Project, Coal Project, or Renewable and Energy Project  
14 ~~projects~~ authorized under this Section, within the  
15 authorization set forth in subsection ~~subsections~~ (e) ~~and~~  
16 ~~(f)~~.

17 (2) To provide for the funding of any reserves or other  
18 funds or accounts deemed necessary by the Authority in  
19 connection with any bonds issued by the Authority.

20 (3) To pledge any funds of the Authority or funds made  
21 available to the Authority that may be applied to such  
22 purpose as security for any bonds or any guarantees,  
23 letters of credit, insurance contracts or similar credit  
24 support or liquidity instruments securing the bonds.

25 (4) To enter into agreements or contracts with third  
26 parties, whether public or private, including, without

1 limitation, the United States of America, the State or any  
2 department or agency thereof, to obtain any  
3 appropriations, grants, loans or guarantees that are  
4 deemed necessary or desirable by the Authority. Any such  
5 guarantee, agreement or contract may contain terms and  
6 provisions necessary or desirable in connection with the  
7 program, subject to the requirements established by the  
8 Act.

9 (5) To exercise such other powers as are necessary or  
10 incidental to the foregoing.

11 (e) Clean Coal Project, Coal Project, and Renewable Energy  
12 Project bond authorization and financing limits. In addition to  
13 any other bonds authorized to be issued under Sections  
14 801-40(w), 825-60, 830-25 and 845-5, the Authority may have  
15 outstanding, at any time, bonds for the purpose enumerated in  
16 this Section 825-65 in an aggregate principal amount that shall  
17 not exceed \$3,000,000,000 ~~\$2,700,000,000~~, subject to the  
18 following limitations: (i) up to ~~of which no more than~~  
19 \$300,000,000 may be issued to finance projects, as described in  
20 clause (C) of subsection (b)(i) and clause (C) of subsection  
21 (b)(iii) of this Section 825-65; (ii) up to ~~transmission~~  
22 ~~facilities, no more than~~ \$500,000,000 may be issued to finance  
23 projects, as described in clauses (D) and (E) of subsection  
24 (b)(i) of this Section 825-65; (iii) up to \$2,000,000,000  
25 ~~scrubbers at existing generating plants, no more than~~  
26 ~~\$500,000,000~~ may be issued to finance Clean Coal Projects, as

1 described in clauses (A) and (B) of subsection (b)(i) of this  
2 Section 825-65 and Coal Projects, as described in subsection  
3 (b)(ii) of this Section 825-65; and (iv) up to \$2,000,000,000  
4 may be issued to finance Renewable Energy Projects, as  
5 described in clauses (A), (B), and (D) of subsection (b)(iii)  
6 of this Section 825-65 ~~alternative energy sources, including~~  
7 ~~renewable energy projects and no more than \$1,400,000,000 may~~  
8 ~~be issued to finance new electric generating facilities or new~~  
9 ~~gasification facilities, as defined in Section 605-332 of the~~  
10 ~~Department of Commerce and Economic Opportunity Law of the~~  
11 ~~Civil Administrative Code of Illinois.~~ An application for a  
12 loan financed from bond proceeds from a borrower or its  
13 affiliates for a Clean Coal Project, a Coal Project, or a  
14 Renewable and Energy Project ~~project~~ may not be approved by the  
15 Authority for an amount in excess of \$450,000,000 for any  
16 borrower or its affiliates. These bonds shall not constitute an  
17 indebtedness or obligation of the State of Illinois and it  
18 shall be plainly stated on the face of each bond that it does  
19 not constitute an indebtedness or obligation of the State of  
20 Illinois, but is payable solely from the revenues, income or  
21 other assets of the Authority pledged therefor.

22 (f) The bonding authority granted under this Section is in  
23 addition to and not limited by the provisions of Section 845-5.  
24 ~~Additional Clean Coal and Energy bond authorization and~~  
25 ~~financing limits. In addition to any other bonds authorized to~~  
26 ~~be issued under this Act, the Authority may issue bonds for the~~

1 ~~purpose enumerated in this Section 825-65 in an aggregate~~  
2 ~~principal amount that shall not exceed \$300,000,000.~~

3 (Source: P.A. 95-470, eff. 8-27-07.)

4 (20 ILCS 3501/825-70)

5 Sec. 825-70. Criteria for participation in the program.  
6 Applications to the Authority for financing of any Clean Coal,  
7 Coal, or Renewable ~~and~~ Energy Project ~~project~~ shall be reviewed  
8 by the Authority. Upon submission of any such application, the  
9 Authority staff shall review the application for its  
10 completeness and may, at the discretion of the Authority staff,  
11 request such additional information as it deems necessary or  
12 advisable to aid in review. If the Authority receives  
13 applications for financing for Clean Coal, Coal, or ~~and~~  
14 Renewable Energy Projects ~~projects~~ in excess of the bond  
15 authorization available for such financing at any one time, it  
16 shall consider applications in the order of priority as it  
17 shall determine, in consultation with other State agencies, and  
18 consistent with State policy to promote environmentally  
19 preferable technology and energy independence.

20 (Source: P.A. 93-205, eff. 1-1-04.)

21 (20 ILCS 3501/825-75)

22 Sec. 825-75. Additional Security. In the event that the  
23 Authority determines that monies of the Authority will not be  
24 sufficient for the payment of the principal of and interest on

1 any bonds issued by the Authority under Sections 825-65 through  
2 825-75 of this Act for Clean Coal Projects, Coal Projects, or  
3 Renewable Energy Projects ~~new electric generating facilities~~  
4 ~~or new gasification facilities~~ during the next State fiscal  
5 year, the Chairperson, as soon as practicable, shall certify to  
6 the Governor the amount required by the Authority to enable it  
7 to pay such principal, premium, if any, and interest on such  
8 bonds. The Governor shall submit the amount so certified to the  
9 General Assembly as soon as practicable, but no later than the  
10 end of the current State fiscal year. This subsection shall  
11 apply to any bonds or notes as to which the Authority shall  
12 have determined, in the resolution authorizing the issuance of  
13 the bonds or notes, that this subsection shall apply. Whenever  
14 the Authority makes such a determination, that fact shall be  
15 plainly stated on the face of the bonds or notes and that fact  
16 should also be reported to the Governor. In the event of a  
17 withdrawal of moneys from a reserve fund established with  
18 respect to any issue or issues of bonds of the Authority to pay  
19 principal, premium, if any, and interest on such bonds, the  
20 Chairman of the Authority, as soon as practicable, shall  
21 certify to the Governor the amount required to restore the  
22 reserve fund to the level required in the resolution or  
23 indenture securing those bonds. The Governor shall submit the  
24 amount so certified to the General Assembly as soon as  
25 practicable, but no later than the end of the current State  
26 fiscal year. The Authority shall obtain written approval from

1 the Governor for any bonds and notes to be issued under this  
2 Section.

3 (Source: P.A. 95-470, eff. 8-27-07.)

4 (20 ILCS 3501/830-25)

5 Sec. 830-25. Bonded indebtedness limitation. The Authority  
6 shall not have outstanding at any one time State Guarantees  
7 under Section 830-30 in an aggregate principal amount exceeding  
8 \$160,000,000. The Authority shall not have outstanding at any  
9 one time State Guarantees under Sections 830-35, 830-45 and  
10 830-50 in an aggregate principal amount exceeding \$225,000,000  
11 ~~\$75,000,000~~. The Guarantees in this Section may be used to  
12 support Renewable Energy Projects as described in clauses (A)  
13 and (B) of subsection (b) (iii) of Section 825-65 of this Act.

14 (Source: P.A. 93-205, eff. 1-1-04.)